srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5928 OF 2007.

Abdul Hamid Ahmed Khan Bubere and Anr. ..Petitioners.

Versus.

The Spl. Land Acquisiton Officer & Anr. ..Respondents.

R. S. Datar for the petitioner.

Mrs. S. S. Bhende A.G.P. for the State.

CORAM: S. B. MHASE & D.G.KARNIK,JJ.

DATE: AUGUST 16, 2007.

P.C.

1. Heard learned counsel for the petitioner. Learned counsel for the petitioner submits that the application is filed under section 28A of the Land Acquisition Act, however, the respondent is not disposing of the said application since the year 2000. Therefore, the petitioner has approached this Court and submitted that the directions be issued to the respondents to dispose of the application filed by the petitioner under section 28A of the Land Acquisition Act within a stipulated period. Learned AGP for the Respondent - State states that unless the award of reference in L.R. No. 50 of 1987 has attained the finality the application under section 28A cannot be decided. However, learned AGP further submitted that he has no objection to giving a direction to decide it within a stipulated period.

Therefore, the following order.

ORDER

Respondent no.1 - the Land Acquisition Officer is hereby directed to dispose of the application filed by the petitioner under section 28A of the Land Acquisition Act within a period of 12 weeks if the orders passed in L.R. No. 50 of 1987 has become final as a result of the fact that the appeal preferred against the said L.R., if any, has been disposed of, and thereby the award has become final. In case, respondent no.1 finds that the appeal as against L.R. No. 50 of 1987 is still pending and has not attained finality then in that circumstances he is directed to dispose of the application of the petitioner under section 28A within a period of 12 weeks after the attainment of finality by the decision of L.R. No. 50 of 1987. Writ petition is accordingly disposed of.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**